

Town Board Minutes

Meeting No. 37

Regular Meeting

November 3, 2003

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Meeting No. 37

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 3rd day of November at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: RICHARD ZARBO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
GEORGE PEASE, ASSISTANT BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
MARY ANN PERRELLO, DEPUTY TOWN CLERK

PERSONS ADDRESSING TOWN BOARD:

Nosbisch, Jr., Paul, 31 Newell Avenue, spoke to the Town Board on the following matter:

- Concerns and questions regarding police service and new police tax.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- Questions about:
 1. Firemen's Service Award Program.
 2. Lafarge resolution requiring remediation for having previously over mined.
 3. Wants to tax motels for cost to police department.
 4. Wants to save land for green space.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Asked for explanation of the Firemen's Service Award amendment resolution.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:31 P.M., the Town Board held a Public Hearing to hear all interested persons upon an amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster for a stop sign on Maple Drive.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Kathy Pijacki	112 Maple Drive	Proponent

**ON MOTION BY COUNCIL MEMBER STEMPIAK, AND
SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE
PUBLIC HEARING, by voice vote, which resulted as follows:**

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:35 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

November 3, 2003

PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:

At 8:35 P.M., the Town Board held a Public Hearing to hear all interested persons upon an amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster for parking, standing & stopping on Seitz Avenue.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Paul Nosbisch, Jr.	31 Newell Avenue	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE PUBLIC HEARING, by voice vote, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:36 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

November 3, 2003

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

At 8:40 P.M., the Town Board held a Public Hearing to hear all interested persons upon the 2004 Special Districts Budget for the Town of Lancaster.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Donald Symer	610 Columbia Avenue	Comments

**ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED
BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE PUBLIC
HEARING, by voice vote, which resulted as follows:**

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:47 P.M.

**The Supervisor informed those present that the Town Board would
reserve decision on this matter.**

November 3, 2003

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 8:47 P.M., the Town Board held a Public Hearing to hear all interested persons upon the 2004 Budget for the Town of Lancaster.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Gary Howell	48 Park Blvd	Comments
Jeff Davis	218 Calumet Street	Comments
Lee Chowanice	93 Northwood Drive	Comments
Dan Beutler	26 Tyler Street	Comments
Gloria Kubicki	15 Maple Drive	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE PUBLIC HEARING, by voice vote, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:05 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

November 3, 2003

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
October 20, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, Richard Reese, has advised the Town Board that the Highway Department has 14 feet of 42" x 66" elliptical pipe which is no longer of use to the department and he has requested that the Town Board therefore deem the property to be surplus property and expose it to auction, and

WHEREAS, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the beforementioned property to be surplus property and permit a public auction of same;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby declares the beforementioned property to be surplus property and authorizes the Highway Superintendent to hold a sealed bid auction of the beforedescribed elliptical pipe with the Town Clerk to publish the Public Notice of Auction in the Lancaster Bee, the official newspaper of general circulation in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

**LEGAL NOTICE
PUBLIC AUCTION
OF ELLIPTICAL PIPE**

Notice is hereby given that the Town Highway Superintendent will receive sealed bids on 114 feet of 42" x 66" elliptical pipe.

Bids shall be submitted in writing in person in a sealed envelope on or before 10:00 AM Local Time on November 19, 2003 to the office of the Town Clerk, 21 Central Avenue, Lancaster, New York.

All bids must be accompanied by a bank check representing 10% of the bid price offered payable to the Town of Lancaster. The balance from the successful bidder is due 48 hours after the bid opening. Bid deposits from all unsuccessful bidders will be returned within five business days after the bid opening.

The elliptical pipe may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a Public Hearing was held on the 3rd day of November, 2003 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on November 3, 2003;
3. That a Certified Copy thereof be published in the Lancaster Bee on November 6, 2003;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

File: rvtordchpt46mapledrive1103

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

ARTICLE VIII - Stop Intersections; Non-Intersection Stops; Yield Intersections

§46-8.2 Non-intersection stops designated., is hereby amended by adding thereto the following:

Stop signs shall be installed at specific locations on the following town roadway:

STREET NAME

SIGN LOCATIONS

Maple Drive

In front of House No. 124

Maple Drive

In front of House No. 127

and

ARTICLE IX - Speed Regulations

§46-9, Maximum speed limits

.....

E. "A speed limit of thirty (30) miles per hour shall be posted on the following designated highways is hereby amended by adding thereto, the following:

.....

7. Maple Drive, for all traffic running from Transit Road to Main Street

November 3, 2003

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, JOHANNA M. COLEMAN, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 3rd day of November, 2003, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 3rd day of November, 2003.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated October 27, 2003, has requested the addition of an additional member to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual:

ADDITIONS:

Ralph Kron
164 Irwinwood Road
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is desirous of
resolving safety issues on Maple Drive in the Town of Lancaster, and

WHEREAS, after a review by the Police Department and the Town
Attorney it has been determined that the Uniform Manual For Traffic Control Devices for the
State of New York permits signage in the nature of alerting drivers to "Children At Play" under
Section 237.3 under certain circumstances.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby directs
the Highway Superintendent of the Town of Lancaster to place Children At Play signs
(identified in the Manual as W7-4) at a location on Maple Drive in the Town of Lancaster north
of the intersection of Maple and Main Street on the east side of Maple Drive at a point on Maple
Drive as it runs northerly and from Transit Road 100 feet from the southerly turn on Maple
Drive on the south side of the road.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B) of the Code of the Town of Lancaster, upon the application of Joseph M. Bralnard, d/b/a Braico Enterprises, for a Special Use Permit for an Automobile Sales business on premises located at 5454 Genesee Street in the Town of Lancaster, Erie County, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B), entitled "Commercial Motor Service District" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to Joseph M. Brainard, d/b/a Braico Enterprises situate at 5454 Genesee Street in the Town of Lancaster upon the terms and conditions as set forth in the Zoning Ordinance, with the following stipulations:

- No more than 20 trailers shall be permitted on the premises at one time
- No more than 12 cars shall be permitted on the premises at one time

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED NO
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, a Public Hearing was held on the 3rd day of November, 2003 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted;

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on November 3, 2003;
3. That a Certified Copy thereof be published in the Lancaster Bee on November 6, 2003;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

File: rvtordchpt46scitzavenue1103

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

ARTICLE X - Parking, Standing and Stopping.

§46-14. Parking time limited in designated locations. is hereby amended by deleting thereto the following:

A.

(2) Seltz Avenue

and adding to

§46-12. Parking prohibited in designated locations. is hereby amended by adding thereto the following:

A.

On the south side of Seltz Avenue between Iroquois Avenue and Seneca Place.

and

ARTICLE X - Parking, Standing and Stopping.

§46-13. Standing prohibited in designated locations, is hereby amended by adding thereto the following:

A.

On the south side of Seltz Avenue between Iroquois Avenue and Seneca Place.

November 3, 2003

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that I, JOHANNA M. COLEMAN, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 3rd day of November, 2003, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hercunto set my hand and affixed the Seal of said Town, this 3rd day of November, 2003.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO. TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed the Service Award Program for volunteer fireman in the Town of Lancaster created pursuant to General Municipal Law §214, et seq. with consideration to reducing the benefit entitlement age from age 65 to age 62, and

WHEREAS, a change in the Service Award Program as beforementioned will permit volunteer fireman to collect benefits at age 62 from the program while continuing to be eligible to earn additional credits in the program by continued participation in the activities of the Fire Department, and

WHEREAS, the Town Board is sensitive to the needs of the Volunteer Fire Companies, Departments and Associations and believes it is important to provide this additional benefit to members of same for their valued volunteered service which will be at a minimal cost to the Town, and

WHEREAS, the Town Board deems it in the public interest to cause a proposition to be presented to the public at Referendum for the purpose of causing an amendment to the Service Award Program for the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes a Referendum to amend the Service Award Program pursuant to General Municipal Law §216 to be held on December 19, 2003 from 10:00 am to 8:00 pm for the purpose of the public considering the following proposition:

PROPOSITION

Shall the Defined Benefit program established by the Length of Service Award Program as approved by the voters of the Town of Lancaster, County of Erie, State of New York be amended to provide that the entitlement age under the Program be reduced from age 65 to age 62; and further to provide that Firefighters who have reached the entitlement age and are collecting a benefit from said Service Award Program be eligible to earn additional credits in the Program by continued participation in the activities of the Fire Department as set forth in the existing Plan Document, **BE APPROVED**.

Should this amendment to the Service Award Program fail to be approved by the voters, the existing Plan will not be affected.

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster is directed to take the necessary action to arrange for the Referendum to take place at the three (3) fire companies located in the Town of Lancaster being:

Bowmansville Main Hall - 36 Main Street, Bowmansville, NY

Town Line Fire Hall - 6503 Broadway, Lancaster, NY

Twin District Fire Hall - 4999 William Street, Lancaster, NY

and,

1. That the Clerk further acquire from the Board of Elections the list of qualified electors in the Town of Lancaster outside of the Villages of Lancaster and Depew, and that voting machines be utilized, with paper ballots as deemed necessary by the Town Clerk, and

2. That the Town Clerk publish the notice required by law regarding this referendum and the polling places, which will be opened to the public.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

File: rfiremansserviceawardprogram1103

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 5102 to Claim No. 5294 Inclusive

Total amount hereby authorized to be paid: \$476,683.98

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

11293	Beauty Pools Inc	16 Squirrel Run	Er. Pool-In Grnd	
11294	Beauty Pools Inc	16 Squirrel Run	Er. Fence	
11295	Beauty Pools Inc	19 Pinetree Dr	Er. Pool-In Grnd	
11296	Trudell, Mark	6066 Broadway	Er. Res. Add.	
11297	NEC Transit William	4961 Transit Rd	Er. Sign-Temp	
11298	Signs Unlimited	4979 Transit Rd	Er. Sign-Wall	
11299	Basher, Kathleen	5868 Broadway	Er. Sign-Wall	
11300	DMU Fence	127 Lake Ave	Er. Fence	(V/L)
11301	Carlton, David	35 Hill Valley Dr	Er. Shed	
11302	Duro-Shed Inc	120 Pheasant Run Ln	Er. Shed	
11303	Duro-Shed Inc	41 Whitestone Ln	Er. Shed	
11304	Johnston, Marian	760 Schwartz Rd	Er. Fence	
11305	Schuster Construction	45 Burwell Ave	Er. Res. Alt.	(V/L)
11306	LuFarge Corporation	6125 Genesee St	Inst. Tank	
11307	Bowmansville VFA	58 Seitz Ave	Er. Com. Tower	
11308	Randaccio Bldrs	18 Heathrow Ct	Er. Dwlg.-Sin.	
11309	Randaccio Bldrs	15 Heathrow Ct	Er. Dwlg.-Sin.	
11310	Randaccio Bldrs	14 Heathrow Ct	Er. Dwlg.-Sin.	
11311	Scarab Pools Inc	96 Maple Dr	Er. Fence	
11312	Scarab Pools Inc	96 Maple Dr	Er. Pool-In Grnd	
11313	Virchau Co Inc	70 Brunck Rd	Er. Res. Add.	
11314	Forbes Homes Inc	8 Heathrow Ct	Er. Dwlg.-Sin.	
11315	Forbes Homes Inc	Siebert Rd	Er. Dwlg.-Sin.	
11316	Opera House	21 Central Ave	Er. Sign-Temp	(V/L)
11317	Creative Fence	4 Old Schoolhouse Rd	Er. Fence	
11318	Essex Homes of WNY	21 Fox Trace	Er. Dwlg.-Sin.	
11319	Braymiller Builders	1281 Ransom Rd	Er. Res. Alt.	
11320	Duro-Shed Inc	20 Cobblestone Ct	Er. Shed	
11321	Capital Fence	32 Tanglewood Dr	Er. Fence	
11322	Duro-Shed Inc	210 Nathan's Trl	Er. Shed	
11323	Wall, Jamie	245 Schwartz Rd	Er. Fireplace	
11324	Duro-Shed Inc	16 Windsor Ridge Dr	Er. Shed	

11325	Holiday Lumber Co Inc	3 Pheasant Run Ln	Er. Res. Add.	
11326	Iroquois Fence Inc	22 Rue Madeleine Way	Er. Fence	
11327	Ferry Builders Inc	2 Spring Way	Er. Dwlg.-Sin.	
11328	Chase, Karen	47 Hillside Pky	Er. Shed	
11329	Crawford, Howard	5145 William St	Er. Res. Alt.	
11330	Leisurewood Design	7 Elm Pl	Er. Deck	(V/L)
11331	Holiday Lumber Co	96 Christen Ct	Er. Res. Add.	(V/L)
11332	Hovenstein, Carol	3717 Bowen Rd	Er. Shed	
11333	Sieber, Michael	156 Wendel St	Er. Garage	
11334	Imperial Fence Co Inc	1 Sugar Mill Ct	Er. Fence	
11335	Gunia, Anthony	38 Madison St	Er. Fence	(V/L)
11336	CarStar	6705 Transit Rd	Er. Sign-Wall	
11337	Woodlee Builders	322 Enchanted Forest N	Er. Res. Add.	
11338	Lehigh Construction Inc	5461 Broadway	Er. Comm. Alt.	(V/L)
11339	Martzoft, Harold	404 Schwartz Rd	Er. Pole Barn	
11340	Duro-Shed Inc	1 Walnut Creek Trl	Er. Shed	
11341	Marrano/Marc Equity Inc	46 Summerfield Dr	Er. Dwlg.-Sin.	
11342	Buscaglia Decks	10 Primrose Ln	Er. Deck	
11343	Galuska, William	118 Peppermint Rd	Er. Pole Barn	
11344	Hill, Joseph	529 Erie St	Dem. Garage	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STERN	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

File: Rbldg2

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolutions:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following two (2) resolutions, seconded by Council Member Stempniak, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Village of Depew has made an application for Community Development Block Grant funds for both the Main Street sanitary sewer system refurbishing project and the Main Street sidewalk reconstruction project, and

WHEREAS, the Village of Depew has requested the Town of Lancaster to act as a co-sponsor of its application which will not affect the Town of Lancaster's application for Community Development Block Grants, and

WHEREAS, the Town Board has given due review and consideration to the request made by the Village of Depew and deems it to be in the public interest to co-sponsor the Village of Depew's Community Development Block Grant application.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to sign as a co-sponsor for the Village of Depew's Community Development Block Grant applications for the above referenced two projects.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

File: recomdevblockgrantfundsvillage1103

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board has been informed that the quarry site now owned by LaFarge Corporation and previously owned by Pine Hill Materials on the south side of Genesee Street east of Pavement Road has been mined beyond a boundary originally set in the permit by DEC, and

WHEREAS, LaFarge Corporation will discontinue any mining in the extension area and will complete remedial and restoration work over that section of the quarry operation, and

WHEREAS, the DEC requires that the Town of Lancaster acknowledge the mine extension beyond the original area and that the Town has no objection to the mining that was done and the remedial and restoration work to be completed by the owner of LaFarge Corporation, and

WHEREAS, the LaFarge Corporation has offered a donation of land to the Town as a part of the remediation plan;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the formalization of the extension of the mine 200' which has already occurred some 200' on the west side of the quarry operation as before and above described with the understanding that there will be no further mining on the site and that remediation and restoration will be done with fill material selected by LaFarge Corporation and approved by DEC and that as part of this process the Town Board will accept the conveyance of the 10 acres on the east side of Cemetery Road in the Town of Lancaster as has been proposed as a donation from LaFarge Corporation which the Town can then use for the creation of additional soccer fields,

AND BE IT RESOLVED, that the Supervisor of the Town of Lancaster is hereby authorized to execute whatever documents are necessary to effectuate the terms and conditions of this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 3, 2003

File: rfafargedonationofland1103

COMMUNICATIONS & REPORTS:

615. Planning Board to Town Board -
Recommend adjournment for Parkhaven Subdivision, west side of Bowen Road, to November 5, 2003 meeting of Planning Board. DISPOSITION = Planning Committee
616. Planning Board to Town Board -
Recommend approval of Sketch Plan Review of Pleasant Heights Subdivision, south side of Pleasantview Drive, with conditions. DISPOSITION = Planning Committee
617. Planning Board to Town Board -
Recommend approval of rezone petition for 4827 & 4839 Transit Road (Kohl's) with conditions and comments noted. DISPOSITION = Planning Committee
618. Erie County Dept. of Environment & Planning To Town Attorney -
Acknowledgment of receipt of Traffic Impact Analysis regarding 4827 and 4839 Transit Road (Kohl's). DISPOSITION = Planning Committee
619. Henry Pogodzinski and Patricia Pogodzinski to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
620. Patricia and Henry Pogodzinski to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
621. Adelphia to Supervisor -
Notice of offering by cable company of High Definition Television. DISPOSITION = Received and Filed
622. Marilyn Faulise to Town Board -
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
623. Highway Superintendent to Planning Board Chairman -
Transmittal of comments and concerns regarding sketch plan of Parkhaven Patio Homes. DISPOSITION = Planning Committee
624. Highway Superintendent to Planning Board Chairman -
Transmittal of comments and concerns regarding proposed Whispering Pines Subdivision. DISPOSITION = Planning Committee
625. Highway Superintendent to Planning Board Chairman -
Notice of approval from Town Highway Department regarding addition to Epic Recreational Center. DISPOSITION = Planning Committee
626. Erie County Department of Environment & Planning to Town Attorney -
Notice of Lead Agency designation to Town of Lancaster regarding proposed Parkhaven Patio Home Subdivision; comments noted. DISPOSITION = Planning Committee
627. Twin District Fire Company to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 11/3/03
628. Town Clerk to Zoning Board Members, Building Inspector, Town Attorney -
Transmittal of Legal Notice of a Public Hearing on November 13, 2003. DISPOSITION = Received and Filed
629. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -
Request to meet with the engineer regarding tree planting at Epic Recreational Center. DISPOSITION = Planning Committee
630. Marie & James Heine to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed

631. Jerome R. Meyer, Marguerite Meyer to Supervisor -
Comments regarding rezone petition of 5067 William Street. DISPOSITION = Planning
Committee

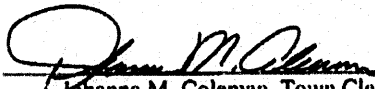
ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY COUNCIL
MEMBER MONTOUR FOR ADJOURNMENT OF THE MEETING, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 9:07 P.M.

Signed


Johanna M. Coleman, Town Clerk